



STATE OF DELAWARE

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July 24, 2014

The Honorable Patricia M. Blevins  
President Pro Tempore

The Honorable Peter C. Schwartzkopf  
Speaker of the House

The Honorable F. Gary Simpson  
Minority Leader

The Honorable Daniel B. Short  
Minority Leader

Dear Senators & Representatives:

Over the last two weeks, my office has fielded numerous requests for information from members of the General Assembly about the immigration crisis on America's southwestern border. I write to answer those questions and ask that you share this correspondence with members of your caucuses.

**The Immigration Crisis**

According to federal immigration officials, more than 57,000 unaccompanied minors have entered the United States during the federal fiscal year that started October 1, 2013 – more than double the number who entered during the same timeframe last year. About three-quarters of these minors are from three countries: Guatemala, El Salvador and Honduras. Twenty percent are 12 years old or younger.

The influx of unaccompanied minors is a humanitarian crisis deserving comprehensive and immediate response. The President's Administration has added capacity to meet the housing and immigration processing needs of these children at facilities throughout the southwest and at military sites in Texas, Oklahoma, and California. The Department of Health and Human Services ("USHHS") is increasing its Spanish-speaking case management staff, working with faith-based and other non-profit agencies to provide services, conducting public health screenings, and providing medical care.

While addressing the increase in unaccompanied minors entering the country, the Administration has informed us that resources have also been increased to manage unaccompanied adults and adults with children. The Department of Homeland Security has said the average time to deport unaccompanied adults has been reduced from 33 days to 4 days, with about 3,500 people returned

to Central America per week. For families, the Department has also increased shelter capacity while expediting the deportation process.

Through these deportations, as well as through working directly with the three Central American governments, the Administration is attempting to make clear that families should not take the risk of attempting to send these children to the United States and that most of these individuals and families, including unaccompanied minors, will not qualify for asylum here. In addition, steps are being taken to crack down on the smugglers who make false promises to the Central American families who pay to send their children to the United States.

In recent weeks, there has been a reduction in the number of youth and adult migrants from these countries crossing our Rio Grande border. Daily apprehensions have fallen from 1,600 to 457 over the past month and from more than 300 children per day to 86.

The President has asked Congress to appropriate an additional \$3.7 billion to address the federal government's ongoing needs for all of these migrants. That funding would pay for additional border security enforcement, expedited repatriation of migrants, transportation costs, expanded capacity for immigration courts, and the operational costs for responding to this influx of unaccompanied children. That supplemental appropriation has not been acted on by Congress.

This humanitarian crisis of unaccompanied minors fleeing dangerous situations at home does not just affect our border states; it impacts all of us as Americans. Whatever one's politics, we are a nation of immigrants. Since many of these children will be returned home, the federal government has a responsibility to do all it can so these children are returning to safe communities. I am encouraged that the Administration would dedicate a portion of the proposed additional funding to support the safe reintegration of these youth to their Central American homes and to assist with efforts to reduce violence and severe poverty, which are the root causes of so many people leaving those nations.

We also have a duty to see that the humanitarian needs of these children are met while in our custody and to hear the immigration pleas from those children requesting asylum. That process takes time in our already over-burdened immigration courts, but federal law and our own conscience require that these children be given a fair hearing as promptly as possible.

### **Congregate Housing Facilities**

The USHHS has reached out to many states requesting assistance with identifying shelter opportunities for these unaccompanied minors. In Delaware, both the Department of Services for Children, Youth and their Families ("DSCYF") and my office have received requests from USHHS for information about opportunities to provide housing and an extensive array of wrap-around services for these children. The USHHS requires that the shelter be provided by an entity licensed to provide residential services to youth, who must have access to a significant array of services, including five day a week education, mental health counseling, acculturation and adaptation services, case management services, family reunification and release services, group counseling, individual counseling, individual needs assessments, medical care and more.

At this time, my administration is not aware of licensed residential facilities in Delaware prepared to provide the required shelter and wrap-around services to a significant number of minors. Unlike

other states, Delaware does not rely heavily on group residential settings for our youth in care, relying instead on foster care to meet the needs of the large majority of children and youth in state custody. We have been told by Administration officials that they would not use traditional foster care as part of the solution. We have a limited number of licensed residential facilities, and those facilities generally operate at or close to capacity. If a provider expresses interest in standing-up such services in Delaware, we would be notified and the USHHS expects that any such facility would need to meet the regulatory requirements of the DSCYF.

The USHHS has also informed us that it would pay for and provide all services for the children placed in any of these facilities, including providing food, clothing, education and medical screening to the children. Children in these facilities would not attend local schools.

### **Placements with Families**

It is important to recognize that while a lot of attention has been paid to the large facilities requested by USHHS for some youth, many of these unaccompanied minors are placed with families they know in our country – preferably with close relatives. The Administration reported to us that, as of Tuesday, 117 of the unaccompanied minors had been placed with families in Delaware. The USHHS does not disclose the identity or location of these families to protect the privacy of the families living here and the children.

If we become aware of individual children in Delaware who require services, we would certainly work with non-profits and state agencies to ensure that their basic needs are being met. Some of these children may enroll in Delaware schools while awaiting processing by federal authorities, as immigrant children ordinarily do. The USHHS has informed us that it does not pay for the food, clothing, or education costs of the minors placed with families.

I believe that the federal government should ensure that the children being placed with Delaware families are placed into safe environments and are receiving the services they need, including medical care. The education and other services come at a cost for the state, school districts and non-profit providers, and I am asking federal officials to work with states to cover those costs and ensure that these children receive appropriate care.

We have been told by the Administration that, before any child is placed, the USHHS vaccinates and provides health screenings for that child. They will also be referred to mental health services if necessary. The USHHS will not place a child with a parent or other sponsor if that child has an illness that is contagious or if the child is found to present some other danger to the community based on their behavior or known history. However, we should keep in mind that these children generally leave their homes to escape violence, not to participate in it.

### **How to Help**

I have heard from many concerned and generous Delawareans who want to help alleviate this crisis. I appreciate these offers and we continue to reach out to the USHHS about ways in which assistance can be offered.

We have been advised that the USHHS does not have authority to accept volunteer assistance or contributions and that Delawareans who want to donate or volunteer to assist with this crisis should

contact one of the non-profit organizations that assist with refugee issues. A complete list of state-specific organizations is available at <http://www.dhs.gov/information-donations>. If we learn more about opportunities for Delawareans to help, we will share that information publicly.

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Unfortunately, the debate around immigration has been marked too often by scaremongering and xenophobia. I know that you share my view that, in Delaware, that is not how we approach problems. If we can provide help, shelter and respite to these unaccompanied children, we will do so and remain mindful that we are called upon to provide for the least of our brothers and sisters. In doing so, we will endeavor to keep you informed to the greatest extent possible.

Sincerely,

A handwritten signature in black ink that reads "Jack Markell". The script is cursive and fluid, with the first letters of "Jack" and "Markell" being capitalized and prominent.

Jack A. Markell